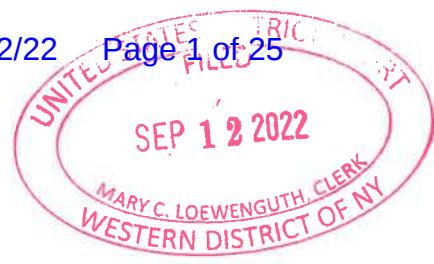


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Antonio Bruno
Plaintiff,

-Against-

Anthony J. Annucci
Acting Commissioner
In His Individual Capacities

S. Beck
Medical Department Superintendent
In Her Individual Capacities

Mr. White
Dep. of Security
In His Individual Capacities

J. Wolcott
Superintendent
In Her Individual Capacities

OSI Officers "John Does"
In Their Individual Capacities

Hostage Rescue Team "John Does"
In Their Individual Capacities

Civil Rights
Complaint
Pursuant 42 U.S.C. 1983
Case No.

22 CV 686 ✓

Jury Trial Demand: YES

Jurisdiction And Venue

1. This is an action of civil, seeking relief and/or Damages to defend and protect the rights guaranteed by the Constitution of the United States. This Action is brought pursuant to 42 U.S.C. §1983, along with 12101-200. This Court has jurisdiction over the Action pursuant to 28 U.S.C. § 1331, 1343(3)(4) and 2201.

Parties To This Action:

2. Plaintiff's Information;

Name: Antonio Bruno, Din. # 09A2092

Present Place of Incarceration:

Attica Correctional Facility

639 Exchange Street

Attica, New York 14011-0149

3. Defendant's Information;

Defendant No.1: Anthony J. Annucci

Official Position: Acting Commissioner

Address: The Harriman State Campus,

1220 Washington Avenue

Albany, New York 12226-2050

4. Defendant No.2: Mr. White

Official Position: Dep. of Security

Address: Attica Correctional Facility

639 Exchange Street

Attica, New York 14011-0149

5. Defendant No.3: J. Wolcott

Official Position: Superintendent

Address: Attica Correctional Facility

639 Exchange Street

Attica, New York 14011-0149

6. Defendant No.4: John Doe's
Official Position: OSI Officer's
Address: Unknown

7. Defendant No.5: John Doe's
Official Position: Hostage Rescue Team
Address: Unknown

Statement of Facts Relevent to the Action Herein:

1. On or about April 29, 2022 all incarcerated individuals were put on a "lock down", with no water or power in their cells for eight days. During this time a Hostage Rescue Team was called in due to a disturbance here in Attica. During the eight day lock down the Hostage Rescue Team abused their authority by assaulting the prisoners with excessive amounts of physical and psycological abuse for eight days here in Attica. On May 4, 2022 the OSI Officer's did nothing to stop the Hostage Rescue Team from beating the inmate's in their cells as well as out of their cells. Furthermore, the Hostage Rescue Team were not wearing thier body camera's, so as to ensure the safety of the prisoner's. In C-Block 35-36 Company there are security camera's on the company (see the camera footage for your review).

Under Directive No. 4910 "For Control of a Search for Contraband". Officer's violated the Directive by coming into my cell while I was

still in the cell. I was having a panic attack and was very paranoid. I told the Officer's "I need to see Mental Health. I'm on medications it's urgent. The Officer's response was to physically assault me. During the search for contraband the Officer's told me to "Shut the Fuck up or we will kill you".

2. During the search the Officer's took my knee brace that is needed for a pre-existing medical condition that I suffer from and Arthritis in my left knee. I told the Officer's I suffer from PTSD and I'm on medication for my condition. The Officer's response was to violently assault me to the ground. As a result of these unprovoked and unwarranted attacks on my person by the Hostage Rescue Team I now have lasting injuries that I am suffering from.

3. The Medical Department failed to respond in any manner to the cries/pleas for help from the inmates during the eight day lockdown. Sick call was on High Notice due to the medical needs of inmates. And yet no medical provider's came to the Block.

4. I suffered from dizziness, dehydration, and disorientation due to heat exhaustion, and a severe rash from the heat and plastic mattress, bronchial irritation from fire "wicks" burning and smoking all day and night.

5. This has caused increased pain to a pre-existing back injury and knee injury. Because the Officer's took my knee brace that's needed day and night to stop the constant pain I suffer with.

6. OSI Officer's were present; Dated:5/4/22 Their names are Ammerman, Davis, Olson, and Kennedy. They stood idly and watched the Hostage

Rescue Team abuse their power and authority.

7. The challenged conduct was attributable to a person acting under the Color of State Law and that such conduct deprived him of rights, privileges, or immunities secured by the Constitution of the United States.

Statement of Claims Relevent to the Action Herein:

42 U.S.C.A. §1983 to obtain relief from deprivation of U.S. Constitutions 8th and 14th Amendments;

8. The United States Constitution, along with New York State Article(s), Federal and State Laws and Statues, to protect citizens against, Deprivations of Government arbitrary powers and civil rights, were violated, when Anthony J. Annucci, allowed the Hostage Rescue Team to search Attica Correctional Facility without the proper body camera's to ensure the safety of the inmates at Attica Correctional Facility. The Hostage Rescue Team was under his authority.

9. Dep. of Security, Mr. White, violated the Plaintiff's rights nonetheless. Mr. Bruno does allege that Mr. White was "Grossly Negligent in Supervising [his] subordinates". Mr. White was allegedly responsible for the supervision or individuals who search Attica C.F. on his watch. This allegation does state a cleaim under 'Colon Law' and Mr. White must remain as a defendant.

10. J. Wolcott violated the Plaintiff's rights. Mr. Bruno does allege that J. Wolcott was "Grossly Negligent in Supervising [her] subordinates". Mr. Bruno is alleging that this failure to supervise resulted in Mr. Bruno being mistreated by the Hostage Rescue Team under her Authority.

11. OSI Officer's were present while the searches were taking place. OSI violated the Plaintiff's rights nonetheless. Mr Bruno does allege that OSI was "Grossly Negligent in the Supervising of the Hostage Rescue Team and allowed the Plaintiff to be violently assaulted by the Hostage Rescue Team while on OSI's watch.

12. S. Beck violated the Plaintiff's rights. Mr Bruno does allege that S. Beck was "Grossly Negligent in Supervising [her] subordinates". It is also apparent that S. Beck is responsible for the Medical Department and her lack of supervision resulted in the inmates not receiving any form of medical help for eight days.
...see Hathaway v. Coughlin, 99 F.3d 550, 553(2d cir. 1995).

13. The Hostage Rescue Team violated the Plaintiff's rights. When they came into my cell, slammed me into the wall which led to my bad knee hitting the wall with significant force and weight of the on-rushing Hostage Rescue Team individuals. I have a pre-existing knee injury with multiple screws inside my knee.

14. The Hostage Rescue Team during the search took my knee brace that is needed every day to help alleviate the pain I suffer with.

15. All defendants have shown deliberate indifference for the mistreatment I endured for eight days. I am a Mental Health inmate and on medication for my condition and was still mistreated by the Hostage Rescue Team.

16. The essential requirements for Action under Section 1983, to obtaining relief is as follows: Every person who under the color of any Statute, Ordinance, Regulation, Custom, or usage of any state or territory or District of Colombia, subjects or cause to be subjected, any citizen of the United States or other person while within the jurisdiction thereof, to the deprivation of any rights, privileges or immunities secured by the Constitution and Laws. Shall be. Liable, to the party injured in an Action at Law Suit in equity or other proper proceeding for redress.

17. The present case, Plaintiff was deprived of his United States Constitutional Equal and Civil Rights and Privileges. From cruel and unusual punishment in violation of Eighth Amendment, and Plaintiff was denied proper medical care.

18. Attica Dep. of Security, Mr. White, and Superintendent J. Wolcott. Allowed the Hostage Rescue Team to abuse their authority for eight days under supervision. Because "O.S.I." Officer's never stopped the Hostage Rescue Team from abusing their positions of power and authority, while they physically assaulted the prisoners.

Point 2:

Deprivation of the Eighth Amendment through that of the
Fourteenth Amendment

19. The United States Eighth and Fourteenth Amendments (AMEND) as well as New York Article and Sections, which all states within the jurisdiction of the United States and its Laws, are bound to follow, was deprived. As the 14th Amendment states:

"All persons born or naturalized in the United States subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty or property without due process of Law: Nor deny to any person within its jurisdiction the equal protection of the laws."

20. The Due Process clause of the 14th Amendment has Two(2) functions. First, it protects the Plaintiff against arbitrary and unfair treatment by State Officials. This aspect of the 14th Amendment is known as Substantive Due Process. Substantive Due Process rights were violated, when Attica Corr. Fac. Superintendent J. Wolcott, and Dep. of Security Mr. White. Allowed the Plaintiff to be abused by the Hostage Rescue Team. The Defendants are acting under the color of State Law. see.. Estelle v. Gamble, 429 U.S. 97, 97 S.Ct. 285, 50L. Ed. 2d 251(1977). The Supreme Court ruled that "Deliberate Indifference

constitutes the unnecessary and wanton infliction of pain,...proscribed by the 8th Amendment." see... Gregg v. Georgia, 428 U.S. 153, S.Ct. 2909, 49 L. Ed. 2d 859 (1976).

21. The Second function of the Due Process clause is to ensure that the Plaintiff is and was not deprived for life, liberty or property without due process of the Law. This aspect of the 14th Amendment is known as Procedural Due Process. The Plaintiff under this clause [has] met the requirement of a 14th Amendment violation. First, the Plaintiff was deprived of his liberty and adequate medical treatment and care interests. When, the Plaintiff needed medical attention after the physical abuse from the Hostage Rescue Team. This left the Plaintiff to suffer in his condition while having to file multiple grievances seeking medical help.

22. The Third requirement for procedural Due Process claim is that the medical staff at Attica Corr. Fac. intended to deprive the Plaintiff of his liberty and/or life interests. When he was never seen by staff while seeking medical help. see. Hathaway v. Coughlin, 99 F. 3d 550, 553 (2nd cir.(1996)).

23. Defendant('s) Anthony J. Annucci, Superintendent J. Wolcott, Dep. of Security Mr. White, OSI Officer's, Medical Superintendent S. Beck and the Hostage Rescue Team were deliberately indifferent to the Plaintiff's rights and (DOCCS) policies. Court(s) have held that repeated examples of negligence and negligent acts, which disclose a pattern of conduct by the prison staff may add up to deliberate indifference. see... Langley v. Coughlin, 715 F. Supp. 552, 541 (S.D.N.Y.)(1998)

24. As one Court has held: Deliberate indifference can be proved by showing a prison official's mental state... but deliberate indifference is also a standard for measuring the adequacy of prison official's responses to the known medical needs of incarcerated individuals to make their needs known.

25. Deliberate indifference to a serious Mental Health need. The Plaintiff has been on Mental Health medications and getting help from Mental Health specialists for years due to his (PTSD) condition, due to the eight days of abuse has worsened the Plaintiff's condition. The Plaintiff asked for Mental Health help but was not able to see a Mental Health provider.

Statement of Cause of Action

Relevant to the Action Herein:

First Cause of Action:

Deprivation of U.S. 8th and 14th Amendment

26. Anthony J. Annucci, and Superintendent J. Wolcott, Dep. of Security Mr. White, the supervising defendant's. Were, "Grossly Negligent in supervising their subordinates." It is also apparent that Mr. Bruno is alleging that this failure to supervise resulted in Mr. Bruno being abused by Officers when Anthony J. Annucci, failed to ensure that the Hostage Rescue Team wear body camera's to ensure the safety of the prisoners in DOCCS custody. see..

Farmer v. Brennan, 511 U.S. at 837,114 S.Ct. 1970

27. J. Wolcott, Dep. of Security Mr. White were "Grossly Negligent in supervising their subordinates." It is also apparent that Mr. Bruno is alleging that this failure to supervise. Resulted in Mr. Bruno being physically assaulted and have his medical knee brace taken away by the Hostage Rescue Team.

Second Cause of Action:

Deliberate Indifference to Serious Medical Need

28. Dep. Superintendent of Health S. Beck was "Grossly Negligent in supervising subordinates." It is also apparent that Mr. Bruno is alleging that this failure to supervise resulted in Mr. Bruno to have suffered in his condition. As he informed medical that the Hostage Rescue Team took his medically needed knee brace during the search. see... Colon, 588 F. 3d. at Poe v. Leonard, at 873; 282 F. 3d 123, 140 (2nd cir. 2002)

Pleading or Relief Sought by the Plaintiff:

29. Plaintiff seeks a Jury Trial, for punitive damage's, declaratory and monetary relief in the amount of \$15,000,000.00 From Anthony J. Annucci, who was deliberately indifferent to the safety of the Plaintiff when he failed to ensure that the Hostage Rescue Team wear body cameras during an eight day search of Attica Corr. Fac.

30. Plaintiff seeks a Jury Trial, for punitive damage's, declaratory and monetary relief in the amount of \$10,000,000.00 From Dep. of Security Mr. White. For the failure to supervise the Hostage

Rescue Team during the eight day search. This failure to supervise resulted in Mr. Bruno being physically assaulted with excessive violence and force by the Hostage Rescue Team.

31. Plaintiff seeks a Jury Trial, for punitive damages, declaratory and monetary relief in the amount of \$7,000,000.00 From J. Wolcott the Superintendent of Attica Correctional Facility who was "Grossly Negligent in supervising [her] subordinates." The Superintendent allowed this violent assault to go on for eight days under her control.

32. Plaintiff seeks a Jury Trial, for punitive damages, declaratory and monetary relief in the amount of \$4,000,000.00 From the Superintendent of the Medical Department at Attica Correctional Facility, S. Beck, who was "Grossly Negligent in supervising medical staff who never responded to the Block for eight days and let the inmates suffer in their conditions.

33. Plaintiff seeks a Jury Trial, for punitive damages delcaratory and monetary relief in the amount of \$6,000,000.00 From each OSI Officer who witnessed the Hostage Rescue Team violently assault the inmates at Attica Correctional Facility for eight days while searching.

34. Plaintiff seeks a Jury Trial, for punitive damages, declaratory and monetary relief in the amount of \$25,000,000.00 From the Hostage Rescue Team for the violent assaults on the inmates at the Attica Correctional Facility for eight days.

Signed: ANTONIO BRUNO, Day of 9-2-2022

Antonio Bruno

Pro Se Plaintiff
Antonio Bruno
Din# 09A2092

I, Antonio Bruno, Declare under the Penalty of Perjury, 28
U.S.C. §1746, Duncan v. Foti, 828 F. 2d 297, That the above written
complaint is true and correct.

Antonio Bruno

Pro Se Plaintiff:
Antonio Bruno
Din # 09A2092
Attica Corr. Fac.
639 Exchange Street
Attica, New York
14011-0149

Dated: 9 - 2 -, 2022

KATHY HOCHUL
Governor

ANTHONY J. ANNUNCI
Acting Commissioner

MEMORANDUM

TO: *Bruno, A*

0942092

C 35-34

FROM: *IGRC*

IGRC

DATE: *MAY 18 2022*

RE: **GRIEVANCE SUBMITTAL**

Today, this office has received your complaint dated _____

It has been logged as Grievance # _____, Code _____ and
titled, _____ You will be scheduled for an IGRC hearing
once the investigation has been completed.

It has been consolidated as a "Like" grievance with Grievance # _____

It has been logged as Grievance # *7001-22*, a Code 49 and
titled, *Prisk Procedures*. It has been passed through to the
Superintendent and you will receive a response directly from the Superintendent once the
investigation has been completed.

It is being returned to you as the incident you referred to occurred on
_____, which is beyond the 21-day timeline for filing a grievance, per
Directive #4040 §701.5 (a)(1). No further action will be taken regarding this grievance.

Copies of grievances or supporting documentation should be requested via the FOIL Officer in
accordance with Directive #2010.

cc: File
Attachment

INMATE GRIEVANCE COMPLAINT

Grievance No. _____

ATTICA

CORRECTIONAL FACILITY

Date: 5/11/22

Name: ANTONIO BRUNO

Dept. No.: 09A2092 Housing Unit: C135/34

Program: _____ AM _____ PM

(Please Print or Type – This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) I AM AMENDING GRIEVANCE THAT WAS SUBMITTED DATED 5/8/22, ON APRIL 29, 2022 ALL INCARCERATED INDIVIDU WERE LOCK DOWN DUE TO THE DISTURBANCE IN C/BLOCK. WE ALL WAS LOCK DOWN FOR 8 DAYS. I SUFFERED FROM DIZZINESS, DEHYDRATION, AND DISORIENTATION DUE TO HEAT EXHAUSTION. A SEVERE RASH FROM HEAT AND PLASTIC MATTRESS, BRONCHIAL IRRITATION FRIES IN C/BLOCK AND INCREASED PAIN TO A PRE EXISTING BACK CONDITION FROM A SMALL BED, AND ARTHRITIS IN MY LEFT KNEE; →

Grievant

Signature: ANTONIO BRUNO

Grievance Clerk: _____

Date: _____

Advisor Requested YES NO Who: _____

Action requested by inmate: I REQUEST INVESTIGATION INVOLVING CONDITIONS OF CONFINEMENT, MY CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED AND I HAVE BEEN DEPRIVED OF LIBERTY WHERE I COULD NOT PROGRAM OR TAKE A SHOWER OR TALK TO MY FAMILY ON THE PHONE. I SUFFERED FROM PHYSICAL INJURY.
 The grievance has been formally resolved as follows:

This Informal Resolution is accepted:
 (To be completed only if resolved prior to hearing)

Grievant

Signature: _____

Date: _____

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

FORM 2131E (REVERSE) (9/12)

Response of IGRC:

Date Returned to Inmate: _____ IGRC Members: _____

Chairperson: _____

Return within 7 calendar days and check appropriate boxes.*

I disagree with IGRC response and wish to appeal to Superintendent.

I agree with the IGRC response and wish to appeal to the Superintendent.

I have reviewed deadlocked responses. Pass-Thru to Superintendent.

I apply to the IGP Supervisor for review of dismissal.

Signed: _____ Date _____
Grievant

Grievance Clerk's Receipt Date _____

To be completed by Grievance Clerk.

GrievanceAppealed to the Superintendent: _____ Date _____

Grievance forwarded to the Superintendent for action: _____ Date _____

AMENDING COMBINE WITH PAGE 1-5.

"OSI OFFICERS WERE PRESENT DATED 5/4/22, there names are AMMERMAN, DAVIS, DISON, KENNEDY, They Watch Hostage Rescue Team (A) ABUSE there Authority, (B) BY Harassment of Prisoners against Department Rules."

(c) There ASSAULT on Prisoners and there (Physical / Psychological) AGAINST Prisoners, "IM a witness" to this Incident dated 5/4/22, that OSI officers did nothing to stop the officer's from Abusing Prisoners In there Cell and out there Cell with "BRUT FORCE", Futhermore "Hostage Rescue Team (HRT) did not have there body Camera On them, In C-Block 35-36 COMPANY they have Camera's on the COMPANY "See the Camera for Your Review"

I Quote under Directive No. 4910 for control of & search for Contraband officer's Violated the Directive by COMING IN the Cell Why IM still In MY cell, I got Par'anoid I told the officers I need to see Mental health Its Urgent, the officer's that were In MY Cell With Me told Me to Shut the fuck up and grab Your Mattress and Back UP, Officer's deny Me "Mental Health" and IM a Client I suffered from (PTSD) and IM on Medication for MY Condition, See Directive No. 4910 see Placement of Incarcerated Individuals 3 officers was never to enter MY Cell Why IM still In MY cell, officers Violated there Employee Manual BY not approaching MY Gate First Before COMING In MY cell that never stated let Me see Your I.D. and RAZOR "See the Camera for Your Review".

I Was not feed food by officers dated 5/4/22, no laundry or cleaning supplies available to Me or Prisoners, I Could'nt work out In the Yard to do the Proper therapy for MY arthritis In My left knee.

Conclusion

"The excessive heat In MY cell Made Me dizzy, dehydrated, and disoriented, and gave Me severe rash, that smoke from rolled toilet paper "Wicks" and frequent use of "smoke" gave Me bronchial Irritation and a runny nose, and the small bunk aggravated MY back and the arthritis to MY left knee, and Its documented about MY Left knee for physical injury, officer's not feeding Me MY food, I witness officers Assault Prisoners, officer's denying Me Mental health When officer's came 3 deep In MY cell Made Me Very Paranoid, officer's searching MY cell throwing legal document's on the floor and clothes on the floor, officers not putting MY property back In a thorough and orderly fashion and all MY state and Personal property shall be examined carefully living the cell In the same condition they were prior to search, officers from the (HRT) not wearing body camera's during there Assault on Prisoners that I witness, officer's not provided Me a cell Frisk / Contraband Receipt Form # 2077, In accordance with Directive # 4910A. MY Constitutional Rights have been Deprived of Liberty where I could not program or take a shower or talk to MY family on the phone, no laundry or cleaning supplies available to Me or Prisoners

5)

"There Was no cold water or hot Water was the cause for my dehydration and dizziness, I was complaining about my left knee because I was in pain due to the arthritis, to the officer about my left knee and they refuse me treatment and I drop a sick call slip dated May 4, 2022 for my knee no nurse came to see me the next day, I was refuse treatment by medical staff, I could't workout in the yard to do the proper therapy for my arthritis in my left knee. I suffered from physical injury." See the camera for your review.

ACTION REQUESTED

- 1) In the future search(s) of such kind, the officer(s) follow Directive 4910 and put my property back as neat as possible;
- 2) That each inmate receive a bottle of water if such search take hour(s);
- 3) That inmate(s) be feed food properly 3 meals a day and be allowed to take shower(s) use the phone and go to the yard to workout physical therapy for my left knee.

Respectfully submitted
Antonio R. Brund

clcf:

NEW YORK STATE
Department of Corrections and
Community Supervision

BY HENKUL
- 10/1

ANTHONY J. ANNUCCI
Acting Commissioner

To: Bruno, A. - #09A2092

C-35-34

From: IGPS K. Hostettler 

Date: 7/21/2022

Re: A-1001-22

Contrary to your assertions your appeal was sent to CORC on 7/11/2022. When the investigation is completed and a Supt. response is written it will be forwarded to you. If you wish to make an additional appeal statement at that time you can send it to my office and it will be forwarded to CORC to be added to the grievance file for A-1001-22.

0356-22



Corrections and Community Supervision

KATHY HOCHUL
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: Bruno, A. - #09A2092 C-35-34

From: IGPS K. Hostettler A handwritten signature enclosed in a circle.

Date: 7/7/2022

Re: A-1001-22

I am in receipt of your request to appeal A-1001-22 to CORC. Your grievance file will be pulled and processed. Your appeal will be forwarded to CORC within 7 days as outlined in Directive #4040.

0314-22



ANTONIO BRUNO #09A2092

ATTICA CORR, FACILITY

PO BOX 149

ATTICA, NEW YORK 14011-0149

22 CV 686 V

9-2-22

UNITED STATES DISTRICT COURT CLERK

200 U.S. COURTHOUSE

2 NIAGARA SQUARE

BUFFALO, NEW YORK 14202-3498

P: (716) 551-1700

DEAR. SIR OR MADAME:

I WRITE YOU TO INFORM THE COURT THAT IM SUBMITTING A PETITION IN YOUR COURT FOR A CIVIL LAW SUIT AGAINST ATTICA CORR, FACILITY ENCLOSE TO THE PETITION AND ATTACHED TO THE DOCUMENTS IS THE GRIEVANCE COMPLAINT THAT WAS EXHAUSTED BY CORC IN ALBANY.

YOUR TIMELY RESPONSE WOULD BE GREATLY APPRECIATIVE IN THIS MATTER.

RESPECTFULLY SUBMITTED

ANTONIO BRUNO #09A2092

C/C/F:

FROM:ANTONIO BRUNO#09A2092

ATTICA CORR,FACILITY

PO BOX 149

ATTICA, NEW YORK 14011-0149

7018 3090 0001 5648 1212

7018 3090 0001 5648 1212

LEGAL MAIL



100601

NEOPOST

09/09/2022

US POSTAGE \$010.61⁰



ZIP 14011
041M11284163

TO: UNITED STATES DISTRICT COURT CLERK
200 U.S. COURTHOUSE
2 NIAGARA SQUARE
BUFFALO, NEW YORK 14202-3498

